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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Claude COTREL et al.

Appln. No.: 09/722,438

Confirmation No. 5367

Group Art Unit: 1624

Filed: November 28, 2000

Examiner: M. Berch

For: OPTICALLY ACTIVE 5H-PYRROLO[3, 4-B]PYRAZINE DERIVATIVE, ITS  
PREPARATION AND PHARMACEUTICAL COMPOSITIONS CONTAINING IT

### RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents  
Washington, D.C. 20231

Sir:

This paper is submitted in response to the Office Action containing a Restriction Requirement, mailed May 7, 2001 in the above-captioned application.

Restriction to one of Groups I-VII set forth at page 2 of the Office Action is required.

Applicants elect Group VII, claims 57-59, drawn to compounds, without traverse.

The Examiner indicates that if one of Groups II-VII is elected, the composition claims 60-68 will be examined along with the elected Group. Accordingly, examination of claims 60-68 is respectfully requested.

Although Applicants do not traverse the Restriction Requirement, allowance of the subject matter of the elected Group VII, drawn to compounds, should lead to allowance of the synthesis claims in Group I and the method of use claims defined in each of Groups II-VI.

Thus, rejoinder of the non-elected claims is respectfully requested upon indication of

RESPONSE

U.S. Appln. No. 09/722,438

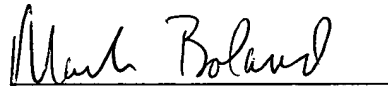
allowability of the elected compound claims, pursuant to MPEP 806.05(i). In this regard, it is noted that where the compound claims have been found novel and unobvious, no additional search or examination burden should be presented vis-à-vis the non-elected claims.

An Information Disclosure Statement accompanies this Response.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this case, and any required fee, except for the Issue Fee, for such extension is to be charged to Deposit Account No. 19-4880.

Respectfully submitted,



Mark Boland

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Date: June 7, 2001